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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,717	10/02/2003	Albert F. Elcock	80113-0372 (BCS03175)	9877

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EXAMINER
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SHAH, PARAS D

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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**Office Action Summary**

Application No.

10/678,717

Applicant(s)

ELCOCK ET AL.

Examiner

Paras Shah

Art Unit

2609

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/02/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is in response to the Application filed on 10/02/2003.

#### ***Information Disclosure Statement***

2. The cited reference of Dinwiddie *et al.* (US 5,595,687) as cited by the Applicant is not by the stated inventor and is said to discuss "emulsion stability" and hence was not considered.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gonzales *et al.* (US 7,054,804, issued on 05/30/2006).

As to claims 1 and 12, Gonzales *et al.* discloses a system for translating textual data in a media signal comprising: a signal receiver (see col. 4, lines 10-13); a display device (see col. 2, lines 50-51) communicatively coupled (see Figure 6, elements 606 and 604) (e.g. The element 604 is a set top box and element 604 is a TV) to said signal receiver; and a language translation module (see Figure 6, element 608) communicatively coupled to said display device or said signal receiver (see Figure 6,

element 608, 606 and 604) (e.g. The elements are coupled and the translation module is located in the set top box); wherein said language translation module is configured to selectively translate textual data of a first language into a second language (see Abstract).

As to claim 2, Gonzales *et al.* discloses wherein said language translation module comprises software (see col.3, lines 25-26).

As to claim 3, Gonzales *et al.* discloses wherein said language translation module comprises hardware (see col. 7, lines 62-65) (e.g. It is seen that the software instructions will be executed by the processor).

As to claims 4 and 14, Gonzales *et al.* discloses wherein said display device comprises one of a television, a projector, a personal digital assistant, a cellular phone, or a digital watch (see Figure 6, element 604).

As to claim 5, Gonzales *et al.* discloses wherein said display device hosts said language translation module (col. 8, see lines 7-8) (e.g. Since the set-top box includes a display device and a translator, it is evident that the display device hosts the translator as it is displayed on the screen).

As to claims 6 and 13, Gonzales *et al.* discloses wherein said receiver comprises one of a set-top box or a home network device (see col. 8, line 6).

As to claim 7, Gonzales *et al.* discloses wherein said receiver hosts said language translation module (see col. 8, lines 7-8).

As to claim 8, Gonzales *et al.* further comprising a head-end insertion device (see col. 8, lines 16-18) communicatively coupled (see Figure 6, elements 602, 603,

and 608) to said receiver (see col. 8, line 15) (e.g. The Applicant refers to the head-end device as any device that can receive a signal from a provider. Further, it is shown in the figure that the two elements are coupled. Also, the set-top box can be interpreted as a head-end insertion device since it acts as a receiver from the service provider).

As to claim 9, Gonzales *et al.* discloses wherein said head-insertion device hosts said language translation module (see Figure 6, elements 608 and 606 and col. 8, see lines 7-8).

As to claim 10, Gonzales *et al.* discloses wherein said textual data comprises closed captions (see col. 3, line 29).

As to claims 11 and 15, Gonzales *et al.* discloses wherein said translation module is configured to be selectively activated by media service provider (see col. 8, lines 26-31) (e.g. It is implied that the closed captioning translation as stated by the reference would be deactivated if unsubscribed and activated if subscribed).

As to claims 16 and 22, Gonzales *et al.* discloses a method for translating textual data in a media signal comprising: receiving a media signal containing textual data of a first language see col. 4, line 12 and lines 13-14); selectively transmitting said media signal to a language translation module (see col. 8, lines 30) (e.g. The selection is made by the user is the language translation function is activated); translating said textual data to a second language (see col. 4, lines 15-17); and transmitting said translated textual data to a display device (see col. 4, lines 18-20 and Figure 6, element 604).

As to claim 17, Gonzales *et al.* discloses wherein said receiving a media signal further comprises receiving said media signal at a user location (see col. 4, lines 1-3).

As to claim 18, Gonzales *et al.* discloses wherein said selectively transmitting said media signal further comprises: receiving a translation request from a user (see col. 7, line 26-29); activating said language translation module (see col. 8, lines 30); and transmitting said textual data to said activated language translation module (see col. 3, lines 38-40) (e.g. Once the textual data of source language is extracted it is sent to the language translation module).

As to claim 19, Gonzales *et al.* discloses wherein said selectively transmitting said media signal further comprises: receiving a language request from said user (see col. 6, lines 33-35); and directing said language translation module to translate said textual data to said requested language (see col. 6, lines 37-50) (e.g. Once the translation language is chosen it is implied that translation will be performed for the target language as specified by the reference).

As to claim 20, Gonzales *et al.* discloses wherein said textual data comprises closed captions (see col. 3, line 29).

As to claim 21, Gonzales *et al.* discloses further comprising selectively enabling said language translation module for subscribers only (see col. 8, lines 25-28) (e.g. Since the reference states that translation can be done as a service, it entails a subscription is necessary).

As to claim 24, Gonzales *et al.* discloses wherein the media provider activates the translation software (see col. 8, lines 25-35) (e.g. It is evident that the translation service will not be activated if there is no service and further the processor will not be utilized since no translation would be performed since the user is not activated).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales *et al.* as applied to claim 22 above, in view of Agnihotri *et al.* (US PGPub 2003/0065503).

As to claim 23, Gonzales *et al.* discloses said translating said textual data to a second language comprises: receiving a language request (see col. 6, lines 33-35). However, Gonzales *et al.* does not specifically disclose the use of a database for translating textual data into second language. Agnihotri *et al.* does disclose accessing a database corresponding to said language request (see page 3, [0025]); and translating said textual data to said second language using said database (see page 3, [0025] and [0027]). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have included the translation of textual data in a media signal presented by Gonzales *et al.* with the inclusion of a database when translating into the second language is performed. The motivation to have included the database for translation involves the translation being performed with regard to the various possible translations of the words (see Agnihotri *et al.* page 1, [0007] and page 2, [0023]) when

translating from one language to another from the system of Gonzales *et al.* in order to achieve more accurate meaning and interpretation.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang (US 5,543,851) and Takeuchi *et al.* (US 6,297,797) is cited to disclose a computer closed captioning. Barcy *et al.* (US 6,542,200) is cited to disclose a TV set for closed captioning. Basson *et al.* (US PGPub 2002/0101537) is cited to disclose a universal closed captioning service. Baker (US PGPub 2005/0162551) is cited to disclose a multi-lingual closed captioning).

Kazuto (JP 2000-092460) is cited to teach a subtitle voice data translation system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paras Shah whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-FRI. 7:30a.m.-5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.S.

04/10/2007

  
XIAO WU  
SUPERVISORY PATENT EXAMINER